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Letter dated 29 June 2007 from the Chairman of the Security Council Committee established pursuant to resolution 1373 (2001) concerning counter-terrorism addressed to the President of the Security Council

The Counter-Terrorism Committee has received the attached report from Belgium submitted pursuant to paragraph 6 of resolution 1373 (2001) (see annex).

I would be grateful if you could arrange for the present letter and its annex to be circulated as a document of the Security Council.

(*Signed*) Ricardo Alberto **Arias**
Chairman
Security Council Committee established pursuant to
resolution 1373 (2001) concerning counter-terrorism

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Annex

Letter dated 8 May 2007 from the Permanent Representative of Belgium to the United Nations addressed to the Chairman of the Counter-Terrorism Committee

[Original: French]

I have the honour to inform you that Belgium recently took new measures with respect to the freezing of funds and economic resources, thereby supplementing its implementation of Security Council resolution 1373 (2001).

These new measures are set forth in the Royal Decree of 28 December 2006, which was recently confirmed by an Act adopted by the House and the Senate.

As a supplement to the information provided to the Counter-Terrorism Committee, a summary of these provisions is attached herewith (see enclosures). The text of the Royal Decree of 28 December 2006 and of the Threat Assessment Act, which established the Threat Assessment Coordination Body (OCAM), are also attached herewith.

I would appreciate it if you would arrange for this information to be circulated to the members of the Counter-Terrorism Committee and its Executive Directorate and for this letter and its enclosures to be issued as an official document of the Security Council.

(*Signed*) Johan **Verbeke**
Ambassador
Permanent Representative of Belgium to the United Nations

Enclosure*

Notification of the Counter-Terrorism Committee concerning the Royal Decree of 28 December 2006 on specific restrictive measures directed against certain persons and entities with a view to combating the financing of terrorism, confirmed by law

Within the framework of the obligations arising from Security Council resolution 1373 (2001), Belgium has the honour to bring the following information to the attention of the Counter-Terrorism Committee.

On 28 December 2006, the Belgian Parliament adopted the Royal Decree on specific restrictive measures directed against certain persons and entities with a view to combating the financing of terrorism.

This Decree, which has just been confirmed by a law containing various provisions (including art. 115), supplements Belgium's implementation of Security Council resolution 1373 (2001).

When resolution 1373 (2001) was adopted, the States members of the European Union decided to implement collectively, within the framework of the Common Foreign and Security Policy (CFSP), some of the obligations arising from the resolution, particularly the provisions concerning freezing of the funds and economic resources of persons, groups or entities who commit, or attempt to commit, terrorist acts or participate in or facilitate their commission.

To that end, they adopted Common Position 2001/931/CFSP and Council Regulation (EC) No. 2580 (2001); the Regulation provides for the taking of restrictive measures directed against persons and entities "linked or related to third countries as well as those who otherwise are the focus of the CFSP aspects of Common Position 2001/931/CFSP". The European Community's powers are limited in sanctions-related matters (arts. 60 and 301 of the Treaty establishing the European Community).

Consequently, the assets and economic resources of persons, groups or entities which were designated on the basis of Common Position 2001/931/CFSP but which could not be considered to be linked or related to third countries or otherwise to be the focus of the CFSP aspects of Common Position 2001/931/CFSP could not be frozen through an instrument adopted at the level of the European Community.

The Royal Decree of 28 December 2006, confirmed by law, is specifically designed to supplement this implementation by making it possible to freeze the funds and economic resources of persons and entities who commit, or attempt to commit, terrorist acts or participate in or facilitate their commission and

1. Who are included in the list to which Common Position 2001/931/CFSP applies but are not covered by Council Regulation (EC) No. 2580 (2001) and who thus cannot be the subject of restrictive measures adopted within the framework of the CFSP; or

2. Who are not covered by Common Position 2001/931/CFSP, Council Regulation (EC) No. 2580 (2001) or Council Regulation (EC) No. 881 (2002) (on restrictive measures directed against certain persons and entities associated with

* The annexes/enclosures may be consulted in the archives of the Secretariat.

Usama bin Laden, the Al-Qaida network and the Taliban) but are listed by proposal of the Ministerial Committee on Intelligence and Security[1] on the basis of the evaluations of the Threat Assessment Coordination Body (OCAM),[2] following consultation with the competent legal authority and approval by the Council of Ministers.

The names of the persons and entities included in the list attached herewith are reviewed by the Ministerial Committee on Intelligence and Security at regular intervals, at least twice a year or at the request of the concerned parties, in order to ensure that their inclusion in the list is still warranted.

Each request for review must be submitted to the Ministry of Finance, which transfers the request without delay to the Ministerial Committee on Intelligence and Security for consideration within 30 days.

During the review, the Ministerial Committee on Intelligence and Security may request the OCAM to update its assessments.

After each review of the list, the Ministerial Committee submits to the Council of Ministers a proposal to maintain or remove names or to include additional information. Where appropriate, this leads to modification of the list.

The Ministry of Finance, through its Treasury Office, may authorize the unfreezing or provision of certain frozen funds or economic resources after establishing that the funds or economic resources in question are:

(a) Necessary for basic expenses, including payments for foodstuffs, rent or mortgage, medicines and medical treatment, taxes, insurance premiums, and public utility charges;

(b) Exclusively for payment of reasonable professional fees and reimbursement of incurred expenses associated with the provision of legal services;

(c) Exclusively for payment of fees or service charges for routine holding or maintenance of frozen funds or other financial assets or economic resources; or

(d) Necessary for extraordinary expenses.

The financial institutions and other persons and entities immediately provide all information concerning the implementation of this Decree, including information on accounts and other frozen funds and economic resources, to the Ministry of Finance through the Treasury.

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[1] The Ministerial Committee on Intelligence and Security, chaired by the Prime Minister, consists of the Ministers responsible for security issues (including the Ministers of Justice, the Interior, Defence and Foreign Affairs).

[2] The Threat Assessment and Coordination Body (OCAM) has been operational since 1 December 2006. Its members include representatives of the police, the information agencies and the support services (including the Ministries of the Interior, Foreign Affairs, Mobility and Finance). It is responsible for assessing the threat to Belgium posed by extremists and terrorists. The relevant threat assessment legislation is also attached for reference.